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April 7, 2014

The Honorable John Kline
Chairman
House Committee on Education and the Workforce
U.S. House of Representatives
2439 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Kline:

On behalf of the Retail Industry Leaders Association (RILA), I write to express our strong support for the Workforce Democracy and Fairness Act (H.R. 4320) and the Employee Privacy Protection Act (H.R. 4321). We appreciate your efforts to stand up for the American employers and employees against the unprecedented agenda of the National Labor Relations Board (NLRB).

By way of background, RILA is the trade association of the world's largest and most innovative retail companies. RILA members include more than 200 retailers, product manufacturers, and service suppliers, which together account for more than \$1.5 trillion in annual sales, millions of American jobs and more than 100,000 stores, manufacturing facilities and distribution centers domestically and abroad.

The NLRB, with its recently released Notice of Proposed Rulemaking on "ambush elections," is attempting to bring significant and unnecessary changes to a well-functioning union election system. Under current procedures, 95 percent of elections are held within two months, with a vast majority resulting in union wins, according to the NLRB's own statistics.

Shortening the timeframe for elections limits employee access to essential details needed to cast an informed vote, while at the same time restricting the ability of employers to exercise their right to free speech. In addition, the rushed time frame threatens the due process rights of employers and denies employees time to carefully reflect on their options before entering the voting booth.

When considering the long-documented history of the NLRB assault against business, the ambush election issue is cause for serious concern among the retail community. Limiting employees' access to critical information in the days leading up to a vote and muzzling employers has the potential to worsen other problematic NLRB directives.

The current election time frames are more than reasonable and provide ample opportunity for complete discourse between employees, their employers and unions. Employees should have the

opportunity to hear the position of their employer in full and be allowed the time necessary to make an informed decision, which would be impossible under the NLRB rule's proposed timetables.

Aside from the dramatic changes to long standing practices regarding union elections, retailers have substantial concerns regarding how the rule would affect their employee's privacy. Employees trust employers with confidential, personal information and the proposed rule would force employers to provide unions with that data without the consent of their employees.

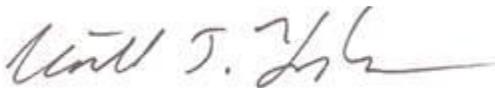
The current proposal would force employers to provide organizers with employee personal information, such as, home addresses, email addresses, home phone numbers and cell phone numbers. Union elections are a workplace issue and employees deserve to hear from both sides but do not deserve unwanted interruptions from union organizers at their homes.

This represents a significant violation of the trust between employers and employees. Employers should not be coerced by law to assist the efforts of unions. They should not be forced to violate the trust of their employees by sharing their personal information without the prior consent of employees. Providing this highly personal information to labor unions, without the knowledge of employees, creates ample opportunity for abuses and is a significant concern of employers and employees alike.

The Workforce Democracy and Fairness Act and the Employee Privacy Protection Act address our concerns with the NLRB's proposed rulemaking on ambush elections. It ensures workers have access to all the information necessary to make an informed decision before a union election and protects employers from having to violate the trust of their employees by disclosing personal information to union organizers.

RILA strongly supports your efforts to preserve employer and employee rights to free speech, due process and privacy. We thank you for introducing this legislation. Absent Congressional action and your continued leadership on this important issue, the actions of the NLRB will have disastrous consequences for the retail industry, the larger economy, American workers and consumers.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bill Hughes", written in a cursive style.

Bill Hughes
Senior Vice President, Government Affairs